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Attorneys for Defendant  
Simon Management Associates II, LLC (erroneously  
sued herein as Simon Property Group, L.P.)

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

YUMEI AN

Plaintiff,

vs.

SIMON PROPERTY GROUP; AND DOES 1-  
20

Defendants.

CASE NO.

[Alameda County Superior Court, Action No.  
RG17865187]

**NOTICE OF REMOVAL OF ACTION;  
DECLARATION OF RYAN GILLE FILED  
CONCURRENTLY HEREWITH  
[28 U.S.C. §§ 1332, 1441 and 1446]**

PLEASE TAKE NOTICE that Defendant Simon Management Associates II, LLC (erroneously sued herein as Simon Property Group, L.P.) (“Defendant” or “Simon”) submits this Notice of Removal pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, removing this action from the Superior Court of the State of California, County of Alameda, in which the action is currently pending, to the United States District Court for the Northern District of California. Jurisdiction exists under 29 U.S.C. § 1332.

Defendant states the following facts as grounds for removal:

Plaintiff YUMEI AN (“Plaintiff”) commenced this action captioned *An v. Simon Property Group, and Does 1-20*, in the Superior Court of the State of California, County of Alameda, RG17865187 (referred to herein as “Action” or “State Court Action”). The Summons & Complaint in this Action was filed on June 23, 2017. On July 13, 2017 Simon was served via CT Corporation System, Walnut Creek, CA. See Declaration of Ryan Gille (“Gille Decl.”), ¶ 3 and Exhibit B. Simon

1 Property Group filed and served its Answer to Plaintiff's Complaint; Demand for Jury Trial On  
2 August 8, 2017, *See* Gille Decl., ¶ 4 and Exhibit C.

3 **The Amount in Controversy Requirement is Satisfied**

4 1. The amount in controversy exceeds \$75,000, inclusive of compensatory damages.  
5 More specifically, Plaintiff claims in the Complaint: (1) personal injury (2) premises liability, and (3)  
6 general negligence. (See Complaint, Exhibit A to the Gille Dec.).

7 **Complete Diversity Exists**

8 2. On information and belief, Plaintiff is California resident

9 3. Simon is incorporated in the State of Delaware with its headquarters and principal  
10 place of business in the State of Indiana. *See* Gille Decl., ¶ 5.

11 4. The Complaint also names Defendants Does 1-20. Pursuant to 28 U.S.C. § 1441(a),  
12 the citizenship of these defendants is disregarded.

13 5. This is a civil action over which the Court has original jurisdiction under the  
14 provisions of 28 U.S.C. § 1332 and may be removed to this Court by the Defendant pursuant to the  
15 provisions of 28 U.S.C. § 1441(a) because it is a civil action between citizens of different states and  
16 the matter in controversy herein exceeds the sum or value of \$25,000, exclusive of interest and costs.

17 **The Other Requirements for Removal Are Met**

18 6. This Notice of Removal is being filed within thirty (30) days of service on the first-  
19 served defendant. Thus, this Notice of Removal is timely filed under 28 U.S.C. § 1446(b).

20 7. Venue in this District is proper under 28 U.S.C. § 1441(a) because the State Court  
21 Action is pending in a state court located within this District.

22 8. Pursuant to 28 U.S.C. § 1446(a), Defendant has removed this action "to the district  
23 court of the United States for the district and division within which such action is pending ...." As  
24 the State Court Action was pending in Alameda County, Defendant has removed the Action to the  
25 United States District Court for the Northern District of California.

26 9. By filing this Notice of Removal Defendant does not waive any defenses, claims or  
27 rights of any kind.

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1           10. Counsel certifies that a copy of this Notice of Removal will be filed with the Clerk of  
2 the Superior Court of the State of California, County of Alameda, in conformity with 28 U.S.C. §  
3 1446(d).

4           11. A true and correct copy of all process, pleadings and orders filed, delivered or served  
5 upon Defendants in the State Court Action are submitted pursuant to 28 U.S.C. § 1446(a), as attached  
6 to the Gille Declaration.

7           Wherefore, Simon removes this entire action, and all claims and causes of action included  
8 therein, from the Superior Court of the State of California, County of Alameda, to the United States  
9 District Court for the Northern District of California.

10  
11 DATED: August 10, 2017

KULUVA, ARMIJO & GARCIA

/S/ Ryan Gille

By: \_\_\_\_\_

RYAN GILLE

**PROOF OF SERVICE BY MAIL**

(FRCivP 5(b)) or  
(CCP 1013a, 2015.5) or  
(FRAP 25(d))

I am employed with the law firm of Kuluva, Armijo & Garcia whose address is One California Street, Suite 1150, San Francisco, California 94111; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Kuluva, Armijo & Garcia's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Kuluva, Armijo & Garcia's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Kuluva, Armijo & Garcia with postage thereon fully prepaid for collection and mailing.

I further declare that on the date hereof I served a copy of **NOTICE OF REMOVAL OF ACTION; DECLARATION OF RYAN GILLE FILED CONCURRENTLY HERewith** [28 U.S.C. §§ 1332, 1441 and 1446] on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Kuluva, Armijo & Garcia, One California Street, Suite 1150, San Francisco, California 94111, in accordance with Kuluva, Armijo & Garcia's ordinary business practices:

Gary Lundry  
**John N. Kitta & Associates**  
39560 Stevenson Place, Suite 217  
Fremont, CA 94539

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed August 10, 2017, at San Francisco, California.

/S/ Annette Biltz

\_\_\_\_\_  
Annette Biltz